

UNITED STATES DISTRICT COURT

for the

Marcus Porter

Petitioner

v.

Case No. 9:22-cv-01862-DCC-MHC

(Supplied by Clerk of Court)

Warden Phelps

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Marcus Monted Porter
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Federal Correctional Complex Petersburg, Virginia.
(b) Address: P.O. Box 1000 23804
(c) Your identification number: 97902020
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Middle District Athens Georgia
115 Hancock Ave Athens, Ga. 30603
(b) Docket number of criminal case: 3:15-cr-00005-CAR-CHW-1
(c) Date of sentencing: 10/26/16
☐ Being held on an immigration charge
☐ Other (explain): _____

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☒ Disciplinary proceedings
- ☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Regional office and The Central office(b) Docket number, case number, or opinion number: 1094424-A1 20006

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

(296) Mail abuse 2 weeks SHU time. 120 days email restriction
Commissary restriction and loss of 27 days good time

(d) Date of the decision or action: BP 10 - 12/21 BP 11 - 5/2/22

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Director
Regional Administrative(2) Date of filing: 9/1/21(3) Docket number, case number, or opinion number: 1094424-R1(4) Result: Denied(5) Date of result: 12/21

(6) Issues raised: That I only sent and received emails to and from
my sister Roshandra Porter who is an approved contact on my list
that I did not instruct, coerce, or tell her to do anything pertaining
to a 3rd party.

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Central office

(2) Date of filing: 12/30/21

(3) Docket number, case number, or opinion number: 1094424-A1

(4) Result: Denied

(5) Date of result: 5/2/22

(6) Issues raised: I was charged with receiving a forwarded ^{message} ~~email~~, not sending one, and this approved contact was my sister. I was basically saying that I can't stop anyone from doing that until they have done so. Because I didn't know that they was going to do it. So my appeal is, I received an forwarded email from my sister Richarda Porter, an approved person on my email so that makes the circumventing obsolete. I did not instruct, coerce, or tell her to do anything so how did "I" violate?

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

my Third appeal.

This 2241 is actually

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____
- _____
- _____
- _____
- _____
- _____
- _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____
- _____
- _____
- _____
- _____
- _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

_____**12. Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

_____**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: I did not circumvent any mail because This Contact
was approved by the B.O.P.

(a) Supporting facts (Be brief. Do not cite cases or law.):

When I sent my sister the request, she accepted and the B.O.P said okay and approved her. Not one time did I tell her to forward me messages and the emails will prove it and to receive a message is not circumventing on my part. I clearly did nothing illegal.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: If I had been a psychic, I would have known that my sister was going to send me a message that was forwarded. I would have told her not to do that, but I'm not a psychic so. I shouldn't be responsible for this message it's not like the system is set up for me to decline the message.

(a) Supporting facts (Be brief. Do not cite cases or law.):

This is a petty way of taking good time from an inmate. If I had ~~family~~ family members or friend that wanted to do some vindictive things. They could forward me messages til I have no more good time left. I shouldn't be liable for the actions of another person who's not even subjugated to the rules or aware.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Based on the "Truth" I would like the courts to expunge this incident report and restore all 27 days of good time loss. I also loss commissary, email and was placed in the SHU for a couple of weeks for this but I can't get that back so please restore my 27 days Good Time. Respectfully, Marcus Porter #97902020

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

Jun 6th 2022

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 6/6/2022


Signature of Petitioner

Signature of Attorney or other authorized person, if any